

**EXHIBIT “D”**

<p>1 think it's close to my trial preparation, work product  2 type of thing.  3 No? Are you a little confused?  4 MR. ROSENTHAL: I'm not sure that -- well, let  5 me ask it.  6 Q. (By Mr. Rosenthal) Did the reason that you didn't look  7 at Mr. Morrissey's file have anything to do with any  8 conversation that you had with Mr. Murphy?  9 A. No.  10 MR. MURPHY: There you go.  11 Q. (By Mr. Rosenthal) Then let me go back to my previous  12 question. Why didn't you look at his file?  13 A. Well, because I believed that the information that I  14 needed to provide the information and the opinions to  15 Mr. Murphy were all contained in the documents that I  16 did have. I mean, I may have spoken with Mr. Morrissey  17 about his statement of Steven Ramsey, and I think I  18 asked him if he ever took any other photographs. He  19 didn't, so I didn't go any further.  20 Q. Did you ask him if he took any other statements?  21 A. No, I didn't ask him.  22 Q. Do you know whether he took any other statements?  23 A. I believe he did.  24 Q. Do you know whose statements he took?</p>	<p>21</p> <p>1 A. No, I don't.  2 Q. And is it safe to say that you've never seen the  3 statements that he took?  4 A. Other than Mr. Ramsey's?  5 Q. Other than Mr. Ramsey's.  6 A. I may have seen them at one time in the past, but I  7 don't recall seeing them. I mean, this case goes back  8 to 2001. My recollection of the statements is, you  9 know, Steven Ramsey's statement. I don't have any  10 specific recollection of any other statements.  11 Q. So do you know whether or not Ken King gave a statement  12 shortly after the accident to Mr. Morrissey or somebody  13 from Marine Safety Consultants, Inc.?  14 A. He may have. Do I know specifically whether he did? I  15 would have to review his deposition and see if that was  16 a question in his deposition. I don't recall that.  17 Q. But whether he gave a statement or not the factual  18 information contained in that statement was not used by  19 you in the preparation of your report?  20 A. Everything I relied upon in the preparation of my  21 report is listed here. If I had reviewed a statement  22 of anybody else --  23 Q. It would be listed.  24 A. -- it would be listed.</p>
<p>1 Q. Okay. Do you know about how much your company has  2 billed to Jay Cashman, Inc., and/or Sterling Equipment  3 Inc., with regard to the Ramsey matter?  4 A. No, I don't. Including Mr. Morrissey's work?  5 Q. All the work.  6 A. All the work? I do not know. I mean, I could find  7 out, but I don't know.  8 Q. How much do you bill out for your own time?  9 A. \$85 an hour.  10 Q. And do you have any idea about how many hours you  11 worked on this particular file?  12 A. Myself up to this date?  13 Q. Yes.  14 A. Maybe 20 to 30.  15 Q. That includes reviewing the file and preparing the  16 report and preparing to testify today?  17 A. Yes. And traveling up here.  18 Q. Twenty to thirty hours. Do you have any idea how many  19 hours Mr. Morrissey has spent on this matter?  20 A. No, I do not.  21 Q. Is there anybody else in your office who has worked on  22 this matter?  23 A. I don't know. I don't recall. If it is, it's only  24 incidental.</p>	<p>23</p> <p>1 Q. But for the most part it's just been you and  2 Mr. Morrissey?  3 A. To the best of my knowledge, yes.  4 Q. Now, other than Mr. Murphy who have you spoken to about  5 this matter at Jay Cashman or Sterling Equipment, Inc.?  6 A. I think the only people I spoke with there is Norman  7 Borke and Bobby -- Bobby D. We call him Bobby D.  8 Decrescendo.  9 Q. And who is Norman Borke?  10 A. He is one of the managers, marine managers at Sterling  11 Equipment.  12 Q. Why did you speak to him?  13 A. To find out if the skiff still existed.  14 Q. What did he tell you?  15 A. That it was gone.  16 Q. Did you ever see the skiff with your own eyes?  17 A. No.  18 Q. Did you ever see the engine?  19 A. Other than photographs.  20 Q. Did Mr. Borke tell you anything else?  21 A. No.  22 Q. And who was Bobby Decrescendo?  23 A. He is one of the managers at Sterling Equipment, one of  24 the equipment managers.</p>